

**State of Michigan
CIVIL SERVICE COMMISSION
Public Meeting
March 19, 2008**

Present: Bryan J. Waldman, Chairman
 Andrew P. Abood, Commissioner
 Thomas M. Wardrop, Commissioner
 James D. Farrell, State Personnel Director

Absent: Sherry L. McMillan, Commissioner

1. CALL TO ORDER

The meeting of the Civil Service Commission was opened by Chairman Bryan J. Waldman at 10:00 a.m. in Conference Room A, Lower Level, Capitol Commons Center, 400 S. Pine Street, Lansing, Michigan.

a. Approval of Minutes

Chairman Waldman requested a motion to approve the minutes of the December 19, 2007 meeting. On motion duly made and supported, the Commission approved the minutes of the December 19, 2007, meeting.

b. Retirement Resolution – Carol Troia

On motion duly made and supported, the Commission adopted the following Resolution:

Whereas, Carol Troia has decided to retire from state government after more than 15 years of service with the Civil Service Commission, Office of Hearings, Employee Relations and Mediation, and

Whereas, Carol has demonstrated commitment and dedication throughout her career as a public servant, gaining the respect and admiration of her colleagues, and

Whereas, Carol as the Hearings Administrative Officer has demonstrated extensive knowledge of the duties and responsibilities of the position and served our customers in a manner that has brought credit to public service, and

Whereas, Carol has distinguished herself for her willingness to listen to the concerns of our customers and respond to all in a thoughtful, courteous manner, and

Whereas, Carol will always be remembered for her kindness, compassion, sense of humor, and ability to see the best and bring out the best in others, and

Whereas, Carol will now be able to spend more time with her family, friends, the outdoors she loves so immensely, and doing those things that bring her joy, purpose, and accomplishment, be it therefore

Resolved, that the Michigan Civil Service Commission does hereby extend to Carol Troia its sincere appreciation for her dedicated efforts and many accomplishments during her years of service

Resolved, that the Commission extends to Carol its warmest wishes for much health and happiness throughout her retirement.

2. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

3. INFORMATIONAL REPORTS

- A. **Director's Report:** The Commission received the following report from State Personnel Director James D. Farrell:

Unclassified Position Report

Since the last report, the following approvals were processed:

Department of Attorney General

1. A request dated January 16, 2008, to serve as the Special Assistant to the Attorney General. Concurrently, the position of Administrative Assistant for Legislative Affairs was abolished. The request was approved effective January 31, 2008.
2. A request dated February 6, 2008, to serve as the Constituent Relations Analyst. Concurrently, the vacant Director of External Affairs position was abolished. The request was approved effective February 20, 2008.

Department of Environmental Quality

1. A request dated January 7, 2008, to serve as the Assistant Energy and Environmental Policy Advisor. Concurrently, the vacant Deputy Director position was abolished. The request was approved effective January 8, 2008.
2. A request dated January 18, 2008, to serve as the Legislative Advisor. Concurrently, the vacant Executive Office Assistant to the Communication Director position was abolished. The request was approved effective January 31, 2008.

Regulations

Civil Service Commission Rules require that the State Personnel Director report to the Commission on the promulgation of regulations, which are issued to further implement Commission rules.

2.03. Leaves of Absence (Effective January 13, 2008)

Since the last revision of this regulation in 2002, numerous rule amendments affecting leaves of absence, including disaster response leave, military leave, banked leave, and leave for appointment to an unclassified position have been adopted. Therefore, this regulation has been amended to clarify the administration of FMLA leaves, leaves of absence with and without pay and waived rights leaves of absence.

This regulation has also been reorganized to facilitate the understanding of, and clarify the relationship between rights under the Federal Family and Medical Leave Act and similar rights granted under the Civil Service Rules and Regulations.

8.07. Technical Military Benefit Complaints (Effective February 21, 2008)

Civil Service Rule 2-14.7(a)(2) provides that a person who is entitled to employment or return-to-work rights or benefits under Rule 2-14 [Rights of Employees Absent due to Service in the Uniformed Services] or Regulation 2.04 [Military Leaves of Absence and Return to Work: Basic Rights] may file a technical complaint. Therefore, I issued Regulation 8.07 to provide the procedures for filing technical military benefit complaints.

State's Government Performance Project

On March 3, 2008, on behalf of NASPE, I attended a luncheon for the 2008 Grading of the State's report card, which is based on a survey of all 50 states conducted every three years by the Pew Center and Governing magazine. I am pleased to report that only 3 states received a higher grade than Michigan. Michigan is one of just thirteen states that earned grades above the national average and improved in 3 of the 4 rating categories with an overall grade of B+ for its management of money, people, infrastructure, and information. The category that the Civil Service Commission was most involved was the "People" category which received an overall grade of B+. The "People" category examined the state's human resources area from employee hiring to workforce succession planning and everything in between.

5. NEW BUSINESS

A. Approval of Tentative Agreement on Union Business Between OSE & MPE (Human Services Support Unit)

General Counsel, D. Daniel McLellan addressed the Commission regarding the proposed amendments to the primary collective bargaining (CBA) agreement for the Human Services Support Unit. Mr. McLellan indicated the parties inadvertently omitted the amendments which were agreed upon during bargaining when the Civil

Service Commission considered the primary agreement on December 19, 2007. He further stated the amendments to Article 7 of the CBA addressed issues related to leave use for union business. Staff's review of the tentative agreement did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

On motion duly made and supported, the motion passed.

B. Approval of Secondary Collective Bargaining Agreements

General Counsel McLellan addressed the Commission on the approval of Secondary Collective Bargaining Agreements reached for the period from March 19, 2008 to December 31, 2010, as follows:

American Federation of State, County, and Municipal Employees Council 25, AFL-CIO (AFSCME) and Education.

International Union, United Automobile, Aerospace and Agricultural Implement Workers (UAW) and Auditor General, Education, Environmental Quality, History, Arts and Libraries, Human Services, Labor and Economic Growth, Management and Budget, Michigan Strategic Fund, Lottery, Military and Veteran's Affairs, State and State Police.

Michigan State Employees Association (MSEA) Council 25, AFL-CIO (AFSCME) and Community Health, Education, Environmental Quality, Human Services, Labor and Economic Growth, Lottery, Natural Resources, Military and Veteran's Affairs, and State Police.

General Counsel McLellan indicated staff reviewed secondary agreements and did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

Commissioner Abood moved to approve Resolution 08-01, Approval of Secondary Collective Bargaining Agreements. Commissioner Wardrop seconded and the motion passed.

C. Amendments to Rules

General Counsel McLellan addressed the Commission on the amendment to Civil Service Rule 3-8, Veteran's Preference. General Counsel McLellan indicated that Governor Granholm requested that the Civil Service Commission amend Rule 3-8 to extend indefinitely the time during which a hiring preference is available to veterans, rather than the current 5-year limitation, thereby making veterans' preference available without a time limit.

General Counsel McLellan also addressed the Commission on an amendment to Rule 5-4.2, Overtime and Regulation 5.02, Premium Payment of Overtime. General Counsel McLellan stated that the rule provides overtime pay for time in pay status (excluding sick leave) in excess of 8 hours in a day and 40 hours in a week or as otherwise provided in the regulation. The amendment clarifies that overtime is generally only paid for work in excess of 40 hours in a week.

Mr. Dale Threehouse (President) and Mr. John Strachan of Michigan Association of Governmental Employees (MAGE), addressed the Commission with concerns regarding Rule 5-4 and the Commission's December 19, 2007 approval of an amendment that excludes sick leave in computation of overtime calculation. Mr. Strachan indicated they did not object to the rule change at that time as they did not fully understand what the outcome would mean until they were provided with additional information regarding the implementation of the rule. Mr. Strachan indicated that they believed the rule creates disparate treatment among NERE employees, specifically between nurses in the Department of Community Health and Department of Military and Veteran's Affairs who would receive overtime pay and to those nurses in the Department of Corrections who would not receive overtime pay; and also between Corrections Officer's Supervisors and Corrections Officers. Mr. Strachan asked that the Commission revisit the issue on exclusion of sick leave for overtime calculation and for equitable treatment of NEREs to contract employees.

The Commissioners discussed the impact of the amendments being considered, and stated their action today by voting on the amendment would not have any affect on the issues raised by MAGE, as MAGE's issues are concerning the Commission's initial approval of the amendment to Rule 5-4 at its December 19, 2007 meeting. The Commissioners indicated if they find it necessary to revisit this approval they could do so at a later date.

Commissioner Wardrop moved to approve Resolution 08-03, Amendments to Rules, as amended. Commissioner Abood seconded and the motion passed.

6. PUBLIC COMMENT

7. COMMISSION APPEALS

In closed session the Commission considered 24 recommended decisions of the Employment Relations Board. Copies of the review sheets indicating the Commission's actions on these decisions are on file with Civil Service.

ADJOURNMENT

There being no further items for Commission approval or public comments to be heard, Chairman Waldman adjourned the meeting at 10:42 a.m.

NOTE

Copies of any written statements, reports, or staff proposals which were presented to the Commission may be obtained by contacting the Civil Service Commission, Executive Office, Capitol Commons Center, 400 S. Pine Street, P.O. Box 30002, Lansing, Michigan, 48909, or by telephone at 517-373-3020.

I, Janet McClelland, Acting State Personnel Director, hereby certify that the foregoing are the Minutes of the Civil Service Commission Meeting of March 19, 2008.

Acting State Personnel Director